

5/003/032



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

IN REPLY REFER TO:

3809
UTU-72297
(U-023)

MAY 19 2004

Certified Mail #7002 2030 0002 9663 9665
Return Receipt Requested

DECISION

Mr. William L. Bown
Bonneville Quarries, Inc.
842 West 400 North
West Bountiful, Utah 84087

Financial Guarantee
Required, 43 CFR 3809.333
and 3809.503; Revised Notice
Accepted

On November 24, 2003, you received a Decision from this office requiring that Bonneville Quarries, Inc. submit a financial guarantee within 60 days for your Notice-level milling activities at the Enterprise Mill Site, located in Section 31, T. 13 N., R. 13 W. The amount of the required financial guarantee was \$26,334.19.

On December 1, 2003, you contacted Michael Ford of my staff and indicated that you wanted to try to reduce your reclamation liability by conducting a clean-up of the mill site during the 60 day period for submitting the financial guarantee. If the clean-up efforts were successful, Mr. Ford agreed to reduce the amount of the financial guarantee to reflect the "adjusted" reclamation requirements of the mill site.

On January 7, 2004, during a visit to this office, you stated that the extremely cold temperatures in the Park Valley area this winter were causing an unforeseeable delay in your ongoing reclamation efforts at the Enterprise Mill Site. At that time, you requested an extension of time to clean-up the site. Mike Ford informed you that if we received an official request from Bonneville Quarries, Inc. for the extension prior to the date the financial guarantee was to be submitted, an extension of time would be granted.

On January 23, 2004, we received your request for a 90-day extension to clean up the Enterprise Mill Site and submit the required financial guarantee. On January 30, 2004, we authorized a one-time 90-day extension so that you could complete reclamation of the mill site area, have a modified reclamation estimate prepared by this office and submit the required bond to the Bureau of Land Management (BLM) as outlined in our letter of November 24, 2003.

On May 5, 2004, a follow-up inspection of the Enterprise Mill Site was conducted by Mike Ford.

RECEIVED

MAY 20 2004

DIV. OF OIL, GAS & MINING

During this inspection, it was revealed that you have removed all of the waste/stone stockpiles, inoperable vehicles, trash, debris and miscellaneous junk that had accumulated on the subject mill site. On May 11, 2004 a modified reclamation estimate was prepared by this office. Because you have cleaned up the site in a workman-like manner, your reclamation liability has been reduced by more than 50%, to \$11,711.05. We have enclosed a copy of our amended Reclamation Cost Model for your information. A financial guarantee in the amount of \$11,711.05 is required in order to extend your notice.

In a separate issue, on January 21, 2003, it was found that you had placed two 200-gallon fuel tanks, four 55-gallon barrels of unknown petroleum products, five buckets of unknown petroleum products and two 5-gallon gas cans near the entrance to the mill site without authorization from the BLM. On February 21, 2003, you submitted a revised Notice which addressed the placement of the subject fuel tanks, barrels, buckets, etc. In that Notice, you stated that you proposed to place each of the large fuel tanks in a separate 400-gallon galvanized stock tank. The remaining barrels, buckets, etc. would also be stored within the stock tanks. Your proposal to maintain these potential petroleum products in galvanized containment structures has been found acceptable by this office and is hereby accepted. Within 30 days of receipt of this letter, all of the subject petroleum products must be placed within the galvanized stock tanks per your revised Notice.

The required financial guarantee must be submitted to the Utah State Office, Minerals Adjudication, P.O. Box 45155, SLC, UT 84145-0155 for processing within 30 days of receipt of this decision. If you do not submit an acceptable financial guarantee within the 30 days given, your Notice will expire. The only authorized activity will be reclamation. A reclamation plan and schedule must be accepted prior to any reclamation activity commencing on the ground.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804 you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the IBLA, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an

appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, located at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions regarding this matter or require additional information, please contact Michael Ford of my staff at (801) 977-4360.



David H. Murphy
Associate Field Manager

Enclosure: Form 1842-1

cc: D. Wayne Hedberg
Utah Division of Oil, Gas and Mining